

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

October 2, 2013 at 9:30 A.M.

1. [13-26304](#)-B-7 JOHN MUSHOLT
[13-2246](#)
KANAWYER V. MUSHOLT

STATUS CONFERENCE RE: COMPLAINT
7-29-13 [[1](#)]

Tentative Ruling: The status conference is continued to December 18, 2013, at 9:30 a.m. On or before October 16, 2013, the plaintiff shall obtain a reissued summons. On or before October 16, 2013, the plaintiff shall also properly serve the defendant and the defendant's bankruptcy attorney with the complaint and reissued summons in accordance with Fed. R. Bankr. P. 7004(b)(9) and (g). If the adversary proceeding is not resolved by twenty-eight days before the date of the status conference set in the reissued summons, the parties shall also comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 4) (the "OTC") as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 2). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or striking defendant's answer and entering defendant's default for defendant's failure to comply. If the reissued summons and the complaint are not timely served by November 26, 2013, the adversary proceeding will be dismissed pursuant to Fed. R. Civ. P. 4(m).

The status conference is continued because there is no evidence on the court's docket that the plaintiff served the initial complaint and the summons on the defendant debtor and his bankruptcy attorney. Pursuant to Fed. R. Bankr. P. 7004(g), if the debtor in an adversary proceeding is represented by an attorney in the bankruptcy case, the plaintiff shall serve the debtor's attorney with the summons and complaint. Such service is in addition to, not an alternative to, service on the debtor under FRBP 7004(b)(9).

The court will issue a minute order.

2. [13-25108](#)-B-7 DEBRA LOCKHART
[13-2252](#)
LOCKHART V. CHASE BANK 1981

STATUS CONFERENCE RE: COMPLAINT
8-7-13 [[1](#)]

Tentative Ruling: The status conference is continued to December 18, 2013, at 9:30 a.m. On or before October 16, 2013, the plaintiff shall obtain a reissued summons. On or before October 16, 2013, the plaintiff shall also properly serve the defendant with the complaint and reissued summons in accordance with Fed. R. Bankr. P. 7004. If the adversary proceeding is not resolved by twenty-eight days before the date of the status conference set in the reissued summons, the parties shall also comply with the court's Order to Confer on Initial Disclosures and Setting Deadlines (Dkt. 4) (the "OTC") as if the date of the status conference set in the reissued summons were the status conference date set in the original summons (Dkt. 2). Failure to comply with the orders herein or with the OTC may result in the imposition of sanctions under Fed. R. Bankr. P. 7016, incorporating Fed. R. Civ. P. 16(f). Such sanctions may include any of the sanctions listed in F.R.Civ.P. 37(b)(2)(A)(ii)-(vii), including dismissal of the action for plaintiff's failure to comply or striking defendant's answer and entering defendant's default for defendant's failure to comply. If the reissued summons and the complaint are not timely served by December 5, 2013, the adversary proceeding will be dismissed pursuant to Fed. R. Civ. P. 4(m).

The status conference is continued because there is no evidence on the court's docket that the plaintiff served the initial complaint and the summons on the defendant.

The court will issue a minute order.

3. [11-35325](#)-B-7 JAMES COXETER
[11-2643](#)
MISKE V. OXETER

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
9-19-11 [[1](#)]

Tentative Ruling: None.

4. [13-22452](#)-B-7 DRESDEN PARSONS
[13-2163](#)
PARSONS V. U.S. DEPARTMENT OF
EDUCATION ET AL

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
5-14-13 [[1](#)]

Tentative Ruling: The adversary proceeding is dismissed.

The adversary proceeding is dismissed pursuant to Bankruptcy Rule 7041, incorporating F.R.Civ.P. 41(b), for failure to prosecute and failure to

obey an order of the court (Dkt. 13). Specifically, the court's order continuing the status conference entered on July 25, 2013 (Dkt. 13), required the parties to comply with the court's Order to Confer (the "OTC") if the adversary proceeding was not resolved by September 3, 2013, failing which the adversary proceeding would be dismissed. As of October 1, 2013 at 10:24 a.m., there is no evidence of compliance with the OTC on the court's docket.

The court will issue a minute order.

5. [12-29460](#)-B-7 MARK/MARIANNA HARRIS CONTINUED STATUS CONFERENCE RE:
[13-2129](#) COMPLAINT
RODRIGUEZ V. HARRIS 4-16-13 [[1](#)]

Tentative Ruling: The status conference is continued to October 30, 2013, at 9:30 a.m., to be held after the hearing on the plaintiff's motion for entry of default judgment set for hearing on October 15, 2013, at 9:32 a.m.

The court will issue a minute order.

6. [13-24369](#)-B-7 NAEEM/WIZMA AMIRI CONTINUED STATUS CONFERENCE RE:
[13-2202](#) COMPLAINT
FUKUSHIMA V. AMIRI 6-19-13 [[1](#)]

Disposition Without Oral Argument: The status conference is concluded. The court will issue a scheduling order based on the joint discovery plan filed on September 25, 2013 (Dkt. 20).

The court will issue a minute order.

7. [13-24369](#)-B-7 NAEEM/WIZMA AMIRI CONTINUED STATUS CONFERENCE RE:
[13-2203](#) COMPLAINT
FUKUSHIMA V. AMIRI ET AL 6-19-13 [[1](#)]

Tentative Ruling: The status conference is concluded. The court will issue a scheduling order based on the schedule set forth in the discovery plan filed by the plaintiff chapter 7 trustee on September 25, 2013 (Dkt. 19).

The court will issue a minute order.

8. [12-36999](#)-B-7 VIVIAN LILY
[12-2717](#)
OLICK V. LILY

CONTINUED STATUS CONFERENCE RE:
AMENDED COMPLAINT
6-4-13 [[58](#)]

Disposition Without Oral Argument: The status conference is continued to November 13, 2013, at 9:30 a.m. for resolution of a motion to dismiss that was taken under submission on August 6, 2013.